

IN THE CLAIMS AFTER AMENDMENT:

Please add the following new claims:

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H17

62. (New) The method of claim 11 wherein:  
the step of displaying most likely categorical labels to the user further comprises displaying through a graphical user interface a plurality of virtual category buttons, each labeled with one of the categorical labels; and  
the step of receiving representative data from the user comprises receiving information that one of the category buttons has been selected by the user by clicking on the category button;  
the step of labeling the document comprises virtually moving the document to a virtual file folder unique to the categorical label selected, and occurs upon the clicking of the selected category button without need for any other activity by the user.

63. (New) The program storage device of claim 61 wherein:  
the step of displaying most likely categorical labels to the user further comprises displaying through a graphical user interface a plurality of virtual category buttons, each labeled with one of the categorical labels; and  
the step of receiving representative data from the user comprises receiving information that one of the category buttons has been selected by the user by clicking on the category button;  
the step of labeling the document comprises virtually moving the document to a virtual file folder unique to the categorical label selected, and occurs upon the clicking of the selected category button without need for any other activity by the user.

REMARKS

The new claims reflect the "one-click" categorization method of Applicants' invention as described on page 12, lines 18-20 of the specification with respect to Figure 2. The cited art does not disclose "one-click" categorization in accordance with Applicants' invention.

With regard to the Preliminary Amendment of June 6, 2001, Applicants make the following remarks with regard to Examiner's rejection of claims in the original application upon which this continuing prosecution application is based:

**Section 103(a) rejection of claims 11-21, 23-36, 44-45, and 60-61.**

In the original application upon which this continuation application is based, claims 11-21, 23-36, 44-45, and 60-61 were rejected under Section 103(a) as obvious over *Lewak et al.*, US 5,544,360 in view of *Herz*, US 6,029,195. Applicants respectfully traverse.

It is well established that to sustain a case of prima facie obviousness that would support a Section 103 rejection, it is necessary to provide (1) one or more references, (2) that were available to the inventor at the time the invention was made, and (3) that teach (4) a suggestion to combine or modify the references, (5) the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. *In re Linter*, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972); *In re Wilder*, 429 F.2d 447, 166 USPQ 545 (CCPA 1970); *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); *In re Lalu*, 747 F.2d 703, 223 USPQ 1257 (CAFC 1988); *In re Fritch*, 972 F.2d 1260, 23 USPQ.2d 1780 (CAFC 1992); *Rockwell Int'l Corp v. U.S.*, 147 F.3d 1358, 47 USPQ.2d 1027 (CAFC 1998); *In re Lueders*, 111 F.3d 1569, 42 USPQ.2d 1481 (CAFC 1997).

The two references cited by the Examiner fail to teach Applicants' invention, cannot and would not be combined to form Applicants' invention, and fail to render the claimed invention obvious.

*Lewak et al.*, US 5,544,360 teaches a manual classification system, while Applicants teach an automated system, therefore *Lewak* simply does not teach Applicants' invention. The Examiner states in his Final Action that the Applicants fail to limit the claims to an automated system, therefore Applicants amend the independent claims to specifically recite that the recited classifier is automated. *Lewak* does assert that his invention *could* be automated (Col. 9, lines 50-55 of *Lewak*), but this statement is non-enabling. *Lewak* can do no such thing without Applicants' teachings. The only automated aspect of *Lewak*'s invention is found on col. 7, lines 63-60 of the *Lewak*

disclosure, where a file will be automatically designated "uncategorized" if it hasn't been categorized, hence *Lewak*'s sole automated technique is exactly the opposite of Applicants' -- *Lewak* automatically *uncategorizes* documents! *Lewak* therefore fails to teach any patentable aspect of Applicants' invention and cannot therefore be combined with anything to arrive at Applicants' invention. Indeed *Lewak*'s invention requires the tedious manual classification of documents that Applicants' invention is designed to eliminate.

Further, *Lewak* cannot be combined with *Herz* to arrive at Applicants' invention. Indeed, *Lewak* cannot be combined with *Herz* to form any functioning system at all, because *Herz*'s invention is neither compatible with *Lewak* nor with Applicants' systems. The reason is that *Herz* discloses a so-called *information retrieval process*, not a *text classification process* as is disclosed by Applicants. *Herz* looks at a particular query and ranks documents (note that *Herz* does not even deal with "categories" in the sense that the Applicants do, but rather "queries", well known to relational database users). Applicants' invention, on the other hand, looks at a particular document and ranks categories. The two systems are diametrically opposed and one skilled in the art would not consider looking to an information retrieval process to solve a problem in a text classification process. Therefore, not only can *Lewak* and *Herz* not be combined to form Applicants' invention, one skilled in the art would not be motivated to do so.

Both the lack of motivation to combine the cited references and the inability to combine the references to arrive at Applicants' automated invention (or anything functional for that matter) establish that there can be no combination or modification to the references sufficient to render the amended independent claims obvious to one of ordinary skill in the art. Therefore, there can be no prima facie case of obviousness and Examiner's other arguments with respect to the independent claims 11 and 61 are moot as are those with respect to the narrower dependent claims. Applicants therefore believe independent claims 11 and 61 as amended and their progeny to be in condition for allowance.

**Section 103(a) rejection of claims 52, 56-59.**

Claims 52 and 56 through 59 were rejected under Section 103(a) as obvious over *Lewak* and *Herz* in view of *Using Netscape*, 1995 Que Corporation, pages 55 and 67. For the reasons set forth above, these rejections are moot as these claims are all dependent upon claim 11.

**Section 103(a) rejection of claims 53-55.**

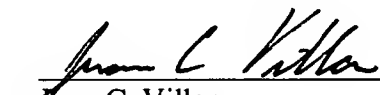
Claims 53 through 55 were rejected under Section 103(a) as obvious over *Lewak*, *Herz* and *Lang et al.* US 5,867,799 in view of *Using Netscape*. For the reasons set forth above, these rejections are moot as these claims are all dependent upon claim 11.

**CONCLUSIONS**

For all of the foregoing reasons, Applicants believe the claims to be in condition for allowance and respectfully request same.

If the Examiner is relying on any personal knowledge in rejecting any claims, Applicants respectfully request that any such knowledge be made known to Applicants in an affidavit in accordance with 37 C.F.R §1.107.

Respectfully submitted,

  
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